



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33

E. *“Tribal Council”* means the elected body of nine (9) Tribal Citizens of Little Traverse Bay Bands of Odawa Indians with duties found in the Tribal Constitution Article VII. *“Tribal Council”*.

**SECTION III. CREATION OF THE APPELYARD DAY CARE, INC. CORPORATE CHARTER**

A tribally chartered corporation is authorized by this Statute and shall be named the *“Appleyard Day Care, Inc.”* and shall be a for-profit entity and shall provide the service of day care for children. The organization is recognized by the approval of the tribal corporation charter; *“Appleyard Day Care, Inc”* by Tribal Council.

**SECTION IV. SCOPE OF ACTIVITIES**

A. The Appleyard Day Care, Inc. is authorized to conduct enterprise activities at the following locations for the purpose of creating revenue and providing the service of daycare for children:

- 1. 414 Monroe, Petoskey, Michigan 49770
- 2. Other such properties, enterprises or activities as designated and approved by Tribal Council.

B. The Appleyard Day Care, Inc. shall be assigned those assets as existed and are currently within the designated commercial sites including real property, tangible and intangible properties. Such assets shall be held by the Appleyard Day Care, Inc. on behalf of the Tribe and shall be managed to provide long term revenue for Tribal governmental programs and activities. The assets assigned in this Statute shall be independently managed by the Appleyard Day Care, Inc.

1 **SECTION V. COMPOSITION, ELIGIBILITY AND APPOINTMENT**

2  
3 **A. Composition**

4  
5 1. The Board shall consist of three (3) to five (5) persons who meet the eligibility  
6 requirements set out in subsection (B) of this section.

7  
8 2. The Board members shall have a Chairperson and Secretary elected by the Board  
9 members, annually.

10  
11 **B. Eligibility**

12  
13 To serve on the Board a person must meet all of the following criteria:

14  
15 1. A person must be at least eighteen years of age;

16  
17 2. No person can serve on the Board within seven (7) years of completion of a sentence or  
18 probation upon being convicted of a felony in tribal, state or federal court, unless such conviction  
19 has been vacated or overturned.

20  
21 3. To be considered, a person should meet one of the following desired criteria:

22  
23 i. Three (3) years of business or financial management experience.

24  
25 ii. Three (3) years of childcare experience.

26  
27  
28 **SECTION V. MANAGEMENT; STRUCTURE AND FUNCTION**

1 **A.** The Appleyard Day Care, Inc. shall have sole authority and responsibility for managing the  
2 Appleyard Day Care, Inc. and related enterprise, in accordance with the policies, Statutes, Resolutions,  
3 regulations as approved by Tribal Council.

4  
5 **B.** The Appleyard Day Care, Inc. shall abide by all tribal and federal laws and regulations as may be  
6 applicable.

7  
8 **C.** It is the duty of the Appleyard Day Care, Inc. to monitor activities and operations to provide  
9 guidance to the management of the operations.

10  
11 **D.** It is the duty of the Appleyard Day Care, Inc. to protect assets of the Tribe and generate revenues  
12 to support Tribal Governmental Services and Programs.

13  
14  
15 **SECTION VI. REPORTING TO TRIBAL COUNCIL**

16  
17 In order to regulate, the Appleyard Day Care, Inc. shall report to the Tribal Council on the  
18 following information regarding the Appleyard Day Care, Inc. and at the regularly scheduled Tribal  
19 Council Meetings or such special meetings as requested by the Tribal Council, at least quarterly or as  
20 requested:

21  
22 **A.** Annual operating plan;

23  
24 **B.** Financial performance measures;

25  
26 **C.** Audits, whether internal or external;

27  
28 **D.** Financial records or statements;

29  
30 **E.** Tribal Council may request reports regarding all aspects of the Appleyard Day Care, Inc.

1 **SECTION VII. FINANCING OF THE APPELYARD DAY CARE, INC. AND**  
2 **ACTIVITIES**

3  
4 **A.** The annual budget for the Appleyard Day Care, Inc. shall be approved by Tribal Council in  
5 accordance with an approval process as designated by the Tribal Council.

6  
7 **B.** Tribal Council approval is required for borrowing of funds. The Appleyard Day Care, Inc. is not  
8 authorized to enter into financing approval without prior ratification by the Tribal Council.

9  
10  
11 **SECTION VIII. DISSOLUTION CLAUSE**

12  
13 In the event that the property is no longer used to provide children's daycare services, the  
14 corporation shall be dissolved.

15  
16  
17 **SECTION VIII. SAVING CLAUSE**

18  
19 In the event that any phrase, provision, part, paragraph, subsection or section of this statute is  
20 found by a court of competent jurisdiction to violate the Constitution, laws, ordinances or statutes of the  
21 Little Traverse Bay Bands of Odawa Indians, such phrase, provision, part, paragraph, subsection or  
22 section shall be considered to stand alone and to be deleted from this statute, the entirety of the balance of  
23 the statute to remain in full and binding force and effect.

24  
25  
26 **SECTION IX. EFFECTIVE DATE**

27  
28 Effective upon signature of the Executive or thirty (30) days from Tribal Council approval  
29 whichever comes first or if the Executive vetoes the legislation, then upon Tribal Council override of the  
30 veto.

31 **CERTIFICATION**